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CIVILIAN HUMAN RESOURCES AGENCY
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DAPE-CHP

12 FEB 2016

MEMORANDUM FOR CIVILIAN HUMAN RESOURCES AGENCY (CHRA) REGIONAL DIRECTORS

SUBJECT: Processing E-Verify and I-9s for Appropriated Fund (APF) Employees, CHRA Standard Operating Procedure (SOP) No. 338-16-SOP-01

1. References:

- a. Quick Reference Guide for E-Verify Enrollment, M-1042 (www.dhs.gov/E-Verify).
- b. US Citizenship and Immigration Services (<http://uscis.gov/portal/site/uscis>).
- c. Employment Eligibility Verification (<https://e-verify.uscis.gov>).
- d. Electronic Official Personnel Folder (eOPF), CHRA SOP No. ADM-11-SOP-01, 23 Feb 2012.
- e. E-Verify User Manual for Employers, May 2011 (<https://e-verify.uscis.gov/emp/media/resourcesContents/E-VerifyUserManual.pdf>).

2. Purpose: To provide policy and procedures for the use of E-Verify when completing the Employment Eligibility Verification form (I-9).

3. Applicability: This guidance applies to all hiring actions submitted by organizations for APF employees.

4. Responsibilities:

a. CHRA Regional Directors will:

(1) Have overall responsibility for the implementation of the E-Verify program in their regions.

(2) Pull reports as necessary for their regions.

b. Civilian Personnel Advisory Center (CPAC) Directors will have responsibility for the implementation of the local E-Verify program and will be responsible for assigning program administrators and personnel to use the E-Verify system as appropriate.

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c. Appropriate CHRA CPAC E-Verify program administrators will coordinate and manage accounts and ensure that their employees are inputting all the required information into E-Verify.

5. Policy and Procedures:

a. When to do E-Verifications:

(1) E-Verification and completion of the I-9 form are required for all new hires, to include transfers and reinstatements, within 3 business days. Late submissions must be brought to the attention of your Manager and/or Supervisor, the CPAC Director, and the CHRA Corporate Administrator. Document your Manager/Supervisor's acceptance or rejection of the reason for the late submission and include that information when you notify your CPAC Director and the CHRA Corporate Administrator in your monthly report. Select from the drop-down menu to update the reason for late entry. Acceptable reasons for late E-verifications are:

(a) E-Verify is unavailable due to a technical outage.

(b) The employee applied for a social security number (SSN) but has not yet received it.

(c) Audit revealed that New Hire was not run.

(d) Other reasons. If E-verification is late for "other" reasons, the reason must be documented on the I-9 on the lower right side of the form.

(2) Current Army employees who move within the Army do not require a new I-9 or E-Verification.

b. Courtesy In-processing: CHRA CPACs that conduct courtesy in-processing for applicants that are assigned to alternate servicing CPACs will take the following actions:

(1) Complete the I-9 in the presence of the new employee.

(2) Review a document with a photo and retain copies of the photo identification.

NOTE: Do not create a case in the E-Verify for the employee. The servicing CPAC will complete the photo matching when they create the case in E-Verify. This is a requirement.

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(3) All Courtesy In-processing CPACs will send completed I-9 and copies of photo identification to the servicing CPAC before close of business on the day the in-processing occurred. Commands must follow the CHRA guidelines for courtesy processing.

c. Purging/Retention: The I-9 form is kept on file for 1 year after an employee leaves the current agency (e.g., Army, Defense, etc.) unless the employee leaves federal employment with less than 3 years of service. If an employee leaves the Department of the Army with less than 3 years of service, the I-9 is kept for 3 years from the employee's Entry on Duty and then destroyed to include hard copy I-9 folder and the e-OPF temporary folder.

d. Duplications: When a duplicate SSN is entered in E-Verify, remember to delete one of the entries so as not to create an error on the E-Verify report.

e. Review I-9 Supporting Documents: The documents must be reviewed and sections two and three of the I-9 must be completed. Federal agencies require every employee to provide one document from List A or List B, and List C. The SSN on the I-9 is voluntary; however, because all federal agencies use E-Verify, applicants are required to obtain a SSN. Acceptable documents are:

(1) List A: Documents that establish both identity and employment authorization (i.e. US passport, foreign passport, etc.)

(2) List B: Documents that establish identity (i.e., driver's license, identification card, etc.)

(3) List C: Documents that establish employment authorization (SSN, birth certificate, etc.)

6. Photo Matching: E-Verify will prompt for photo matching; therefore, personnel entering information into E-Verify must retain a copy of the document presented (i.e., US passport or passport card). Copies are needed for the records.

7. Record E-Verify Case Number: The case details page on the E-Verify site includes the case number, the user identification of the person who resolved the case, and the date of the number. The case details page also includes the information on the case in the order in which it was entered or supplied by the system. Document the case number on the I-9 in the upper right hand corner and print the case details page. Scan and send to appropriate temporary folder to the USA On-boarding. If the recruitment is non-competitive, the CPAC can create a folder to upload the forms.

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8. Case Resolution:

a. An initial case result of "Employment Authorized" is the most common and simple case result in E-Verify. "Employment Authorized" means that the information entered into E-Verify matched Social Security Administration (SSA) and/or the Department of Homeland Security (DHS) records and that E-Verify verified the employment eligibility for the applicant entered.

b. Tentative Non-confirmation (TNC): A TNC case result means that the information entered into E-Verify from Form I-9 differs from either SSA or DHS records. E-Verify will identify the agency associated with the mismatch when the TNC result is provided. You may not take any adverse action against an employee or applicant who receives a DHS "Verification in Process" case result.

The case is automatically referred to DHS for further verification. No action is required by the CPAC at this time. DHS will respond to most of these cases within 24 hours, although some responses may take up to 3 federal government workdays. Check E-Verify daily for a response.

(1) An applicant who chooses to contest a DHS TNC must be referred to DHS. E-Verify will generate a DHS referral letter that the CPAC must provide to the employee. The CPAC must first confirm the information on the DHS referral letter is correct and then print, sign, and date the DHS referral letter and provide it to the applicant.

(2) An applicant who chooses to contest a DHS TNC has eight federal government workdays to contact DHS to begin resolving the TNC. Federal government workdays are Monday through Friday except for federal holidays. The eight federal government workdays begin when the case is referred to DHS in E-Verify. The date by which the employee must contact DHS is printed in the DHS referral letter. Because the eight federal government workdays begin on the date the case is referred, it is important to provide the DHS referral letter to the worker promptly.

(3) A SSA or DHS "Case in Continuance" result indicates that the applicant has visited a SSA field office and/or contacted DHS, but more time is needed to determine a final case result. The reason SSA or DHS needs more time varies with each situation. You should check E-Verify periodically for an update in case result. You may not terminate or take adverse action against an employee while SSA or DHS is reviewing the applicant's case.

(4) The CPAC must close every case created in E-Verify. There are eleven possible case closure statements. To assist you in making the correct choice and to

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reduce the number of options, E-Verify requires the CPAC to state whether the employee is still employed. See paragraph 1.e. for additional details in closing a case.

9. Filing the I-9 and E-Verify Case Results: I-9s can no longer be filed in the OPF per the Guide to Personnel Recordkeeping. CPACs will follow instructions in Paragraph 7. above. The processing division, once it has verified the information for the hiring action, will then upload the I-9 and the E-Verify document into the I-9 sub-folder of the appropriate eOPF record. The I-9 sub-folder is a temporary folder approved by the Guide to Personnel Recordkeeping.

10. The CHRA point of contact is Connie L. McDonald-Miley, commercial 804-765-4593 or DSN 539-4593m email: connie.l.mcdonald-miley.civ@mail.mil.



Division Chief Initials, Technical Review



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